



Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Eleventh Meeting Day

Thursday Afternoon

January 27, 2005

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Pastor Derek Duncan, East 91st Street Christian Church, Indianapolis, the guest of Representative Cynthia J. Noe.

The Pledge of Allegiance to the Flag was led by Representative Noe.

The Speaker ordered the roll of the House to be called:

T. Adams	Klinker
Aguilera	Koch
Alderman	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon ☐	Leonard
Bauer	J. Lutz
Becker	Mahern
Behning	Mays ☐
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff	Moses
Bright	Murphy
C. Brown	Neese ☐
T. Brown	Noe
Buck	Orentlicher
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis ☐	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Ulmer ☐
Gutwein	VanHaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy	Yount
Kersey	Mr. Speaker

Roll Call 51: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 47, 77, 92, 98, 102, 117, 149, 164, 165, 195, 196, 197, 202, 212, 222, and 230 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 31, 2005 at 1:30 p.m.

NOE

Motion prevailed.

Reassignments

The Speaker announced the reassignment of House Bill 1343 from the Committee on Education to the Committee on Public Health.

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1028 and 1326 had been referred to the Committee on Ways and Means.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1023, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete amendments adopted by the house public policy and veterans affairs committee on January 13, 2005.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: **Sec. 20. (a) This section applies to an employer that reemploys an employee under IC 10-16-7.5.**

(b) An employer that reemploys an employee who was called to active duty in the Indiana National Guard is entitled to a one (1) time deduction from the employer's adjusted gross income equal to the lesser of:

(1) the employee's compensation actually paid by the employer for the period of time specified in IC 10-16-7.5-8;

or

(2) five hundred dollars (\$500).

SECTION 2. IC 10-16-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]:

Chapter 7.5. National Guard Employment Rights

Sec. 1. This chapter applies to a person called to active duty after September 11, 2001.

Sec. 2. As used in this chapter, "active duty" means full-time service in the national guard for a period that exceeds thirty (30) consecutive days in a calendar year.

Sec. 3. As used in this chapter, "employee" means an individual employed or permitted to work or perform any service for remuneration under a contract for hire, written or oral, by an employer in any occupation.

Sec. 4. As used in this chapter, "employer" means a person who employs at least twenty-five (25) employees in Indiana, including the state and political subdivisions of the state. The term does not include the United States or a corporation wholly owned by the United States.

Sec. 5. As used in this chapter, "national guard" refers only to:

- (1) the Indiana army national guard; and
- (2) the Indiana air national guard.

Sec. 6. As used in this chapter, "person" means an individual, a partnership, a corporation, a limited liability company, an unincorporated association, or a governmental entity.

Sec. 7. As used in this chapter, "political subdivision" has the meaning set forth in IC 6-3.5-2-1.

Sec. 8. (a) When an employee who was called to active duty is discharged or released after the active duty, the employer of the employee shall reemploy the employee for:

- (1) a period of employment required by the federal Uniform Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 through 38 U.S.C. 4330; and
- (2) an additional period equal to the extent to which the time the employee was on active duty exceeds the period of time determined under subdivision (1).

(b) Reemployment under subsection (a) shall be covered by the provisions of the federal Uniform Services Employment and Reemployment Rights Act.

(c) The period of reemployment under subsection (a) begins on the first day the employee reports to work for the employer after the employee's discharge or release from active duty.

Sec. 9. An employer who reemploys an employee under section 7 of this chapter is entitled to a deduction from the employer's adjusted gross income under IC 6-3-2-20.

Sec. 10. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of the national guard under federal law.

SECTION 3. IC 20-12-21-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.1.** (a) In addition to the duties described in section 5(a) of this chapter, the commission shall do the following:

- (1) Prepare and supervise the issuance of public information concerning all of the commission's programs.
- (2) Prescribe the form and regulate the submission of applications for all of the commission's programs.
- (3) Determine the amounts of grants and scholarships.
- (4) Determine eligibility for grants and scholarships.
- (5) Receive federal funds made available to the commission for awards, grants, and scholarships, and disburse these funds in the manner prescribed by federal law.

(b) In addition to the powers described in section 5(b) of this chapter, the commission may do the following:

- (1) Accept gifts, grants, devises, or bequests for the purpose of providing grants, awards, scholarships, loans, or other forms of financial aid to students attending approved institutions of higher learning.
- (2) Enter into contracts, subject to IC 4-13-2, that the commission determines are necessary to carry out the commission's functions.
- (3) Provide administrative or technical assistance to other governmental or nongovernmental entities if the provision of this assistance will increase the number and value of grants, awards, scholarships, or loans available to students attending approved institutions of higher learning.

(c) When the commission receives an offer of a gift, grant, devise, or bequest under subsection (b)(1), the commission may accept stipulations on the use of the donated funds. In this case, sections 7(d) and 17 of this chapter do not apply. Before accepting a gift, grant, devise, or bequest, the commission shall determine that the purposes for which a donor proposes to provide funds are:

- (1) lawful;
- (2) in the state's best interests; and
- (3) generally consistent with the commission's programs and purposes.

Whenever the commission agrees to stipulations on the use of donated funds under this subsection, the commission and the donor shall,

subject to approval by the state budget agency and the governor or the governor's designee, execute an agreement.

(d) Whenever the commission agrees to provide administrative or technical assistance under subsection (b)(3), the commission and the party to whom the assistance is to be provided shall execute an agreement specifying:

- (1) the assistance that is to be provided; and
- (2) the charges, if any, that are to be assessed by the commission for providing this assistance.

The commission may waive charges for administrative or technical assistance under this subsection if the commission determines that a waiver is in the best interest of the state. Agreements to provide assistance under this subsection must be approved by the budget agency and the governor or the governor's designee.

(e) The commission shall exercise its functions without regard to an applicant's race, creed, sex, color, national origin, or ancestry.

(f) This subsection applies to a person called to active duty after September 11, 2001. As used in this subsection, "active duty" means full-time service in the national guard (as defined in IC 10-16-1-13) that exceeds thirty (30) consecutive days in a calendar year. When determining financial eligibility under subsection (a)(4) for a Frank O'Bannon grant, which includes grants formerly designated as the higher education award and the freedom of choice award, the commission may not consider any salary for service on active duty that is received by a member of the national guard who is called to active duty.

SECTION 4. IC 20-12-74-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a)** This section applies to a person called to active duty after September 11, 2001.

(b) As used in this section, "active duty" means full-time service in the national guard (as defined in IC 10-16-1-13) that exceeds thirty (30) consecutive days in a calendar year.

(c) A person who:

- (1) is called to active duty; and
- (2) meets the requirements of subsection (d);

is entitled to an extension of time under subsection (e) to renew a tuition scholarship awarded under section 7(a) of this chapter.

(d) A person must meet the following requirements to receive an extension of time under subsection (c):

- (1) On the date the person is called to active duty, the person must be attending a state educational institution using a tuition scholarship awarded under section 7(a) of this chapter.
- (2) The person must provide proof of active duty by providing a copy of the person's:

- (A) discharge; or
- (B) government movement orders;

to the commission at the time the person applies for renewal of the tuition scholarship awarded under section 7(a) of this chapter.

(3) Not later than one hundred eighty (180) days after the person's discharge or release from active duty, the person must resume the course of study in which the person was enrolled when the person was called to active duty.

(e) The extension of time to which a person is entitled under subsection (c) is equal in length to the period during which the person was on active duty status. However, the number of semesters for which a person may receive a tuition scholarship awarded under section 7(a) of this chapter, including all renewals under this section, may not exceed the number specified in section 7(b) of this chapter.

(f) A person who, at the time the person was called to active duty:

- (1) met the eligibility criteria established by:
 - (A) this chapter; and
 - (B) the commission; and
- (2) had received a tuition scholarship under section 7(a) of this chapter;

may use the extension of time under subsection (c) to renew the tuition scholarship without meeting the requirements set forth in sections 2(1) and 3(4) of this chapter.

(g) This section may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of the national guard (as defined in IC 10-16-1-13) under federal law.

SECTION 5. [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)] IC 6-3-2-20, as added by this act, applies to taxable years beginning after December 31, 2001.

SECTION 6. An emergency is declared for this act.

Renumber all SECTIONS consecutively.

(Reference is to HB 1023 as introduced and as amended by the House Committee on Public Policy and Veterans Affairs on January 13, 2005.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

ALDERMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1032, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 21, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1046, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1053, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1061, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1078, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 23, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1085, has had the same under consideration and begs leave to report the same back to the

House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

ALDERMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1108, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1110, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1112, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 19, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1120, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 21, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1121, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 1.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1141, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 32, delete "2006." and insert "**2008.**"

Page 2, line 35, delete "7, 2006." and insert "**4, 2008.**"

Page 2, line 37, delete "2007." and insert "**2009.**"

Page 2, line 38, delete "2007." and insert "**2009.**"

(Reference is to HB 1141 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1155, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 38 through 42.

Delete pages 3 through 4.

Page 5, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 2. IC 16-37-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) A local health department may ~~make a charge a fee~~ under IC 16-20-1-27 for each certificate of birth, death, or stillbirth registration.

(b) If the local department of health ~~makes a charge~~ **charges a fee** for a certificate of death under subsection (a), **the following shall be collected in addition to the fee for the certificate established under IC 16-20-1-27:**

(1) A one dollar (\$1) coroners continuing education fee. ~~must be added to the rate established under IC 16-20-1-27.~~

(2) A one dollar (\$1) fee for the pioneer cemetery account established by IC 14-21-1-13.5 that is imposed only on the first certificate of death for an individual that is requested by and issued to a person.

The local department of health shall deposit any coroners continuing education fees **and any pioneer cemetery account fees** with the county auditor within thirty (30) days after collection. The county auditor shall transfer semiannually any coroners continuing education fees **and any pioneer cemetery account fees** to the treasurer of state.

(c) Notwithstanding IC 16-20-1-27, a ~~charge fee~~ may not be ~~made charged~~ for furnishing a certificate of birth, death, or stillbirth registration to a person or to a member of the family of a person who needs the certificate for one (1) of the following purposes:

(1) To establish the person's age or the dependency of a member of the person's family in connection with:

(A) the person's service in the armed forces of the United States; or

(B) a death pension or disability pension of a person who is serving or has served in the armed forces of the United States.

(2) To establish or to verify the age of a child in school who desires to secure a work permit.

SECTION 3. IC 16-37-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) The state department shall charge and collect a fee of eight dollars (\$8) for each search of the records in the division of vital records. If the requested record is found, one (1) certification of the record will be issued without charge. Additional certifications of the same record will be issued at that time for an additional fee of four dollars (\$4) for each record.

(b) The state department shall charge and collect an additional fee of eight dollars (\$8) for any amendment to a record previously filed with the division of vital records.

(c) Verification without charge will be issued to an agency of local, state, or federal government upon written request by the agency.

(d) The state department shall charge and collect an additional one dollar (\$1) fee that is imposed only on the first certificate of death for an individual that is requested by and issued to a person under this section. The state department shall transfer semiannually the fees collected under this subsection to the treasurer of state for deposit in the pioneer cemetery account established by IC 14-21-1-13.5."

Renumber all SECTIONS consecutively.

(Reference is to HB 1155 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

INKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1165, has had the same under consideration and begs leave to

report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

BORROR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1198, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 16, after "by" insert "**ethnicity, gender, and**".

Page 2, line 1, delete "Physical aggression" and insert "**Alcohol**".

Page 2, line 2, delete "Verbal aggression or profanity" and insert "**Drugs**".

Page 2, line 3, delete "Disruptive behavior" and insert "**Deadly weapons (other than firearms)**".

Page 2, line 4, delete "Defiance" and insert "**Handguns**".

Page 2, line 5, delete "Attendance" and insert "**Rifles or shotguns**".

Page 2, line 6, delete "Destruction of property" and insert "**Other firearms**".

Page 2, line 7, delete "Alcohol, drugs, and tobacco" and insert "**Tobacco**".

Page 2, line 8, delete "Weapons" and insert "**Attendance**".

Page 2, line 9, delete "Other" and insert "**Destruction of property**".

Page 2, between lines 9 and 10, begin a new line block indented and insert:

"(10) Legal settlement (under IC 20-8.1-5.1-11).

(11) Fighting (incident does not rise to the level of battery).

(12) Battery (IC 35-42-2-1).

(13) Intimidation (IC 35-45-2-1).

(14) Verbal aggression or profanity.

(15) Defiance.

(16) Other".

Page 2, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 2. IC 20-8.1-5.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The governing body of a school corporation must do the following:

(1) Establish written discipline rules, which may include:

(A) appropriate dress codes; and

(B) if applicable, an agreement for court assisted resolution of school suspension and expulsion cases; for the school corporation.

(2) Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as:

(A) making a copy of the discipline rules available to students and students' parents; or

(B) delivering a copy of the discipline rules to students or the parents of students.

This publicity requirement may not be construed technically and is satisfied in any case when the school corporation makes a good faith effort to disseminate to students or parents generally the text or substance of a discipline rule.

(b) The superintendent of a school corporation and the principals of each school in a school corporation may adopt regulations establishing lines of responsibility and related guidelines in compliance with the discipline policies of the governing body.

(c) The governing body of a school corporation may delegate rule making, disciplinary, and other authority as reasonably necessary to carry out the school purposes of the school corporation.

(d) Subsection (a) does not apply to rules or directions concerning the following:

(1) Movement of students.

(2) Movement or parking of vehicles.

(3) Day-to-day instructions concerning the operation of a classroom or teaching station.

(4) Time for commencement of school.

(5) Other standards or regulations relating to the manner in which an educational function must be administered.

However, this subsection does not prohibit the governing body from

regulating the areas listed in this subsection."

Page 2, line 21, delete "order" and insert **"provide for"**.

Page 2, line 29, delete "Order" and insert **"Require"**.

Page 3, between lines 22 and 23, begin a new paragraph and insert:
"Sec. 7. A student's appearance in court under this chapter shall not be used against the child or the child's parents or guardians in any subsequent court proceeding, including but not limited to any delinquency or child in need of services matter under IC 31."

Sec. 8. All records of the student's court appearance shall be expunged upon the student's completion of the out-of-school suspension or expulsion program.

Sec. 9. A parent or guardian has the right to be present during the student's court appearance, and, if the student or the student's parent or guardian has legal counsel, the student and the student's parent or guardian are entitled to have counsel present in court."

Page 3, line 23, delete "7" and insert **"10"**.

Renumber all SECTIONS consecutively.

(Reference is to HB 1198 as introduced.)
 and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1200, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 12, delete "Except as provided in subsection (e), if" and insert "If".

Page 2, line 32, delete "Except as provided in subsection (e), if" and insert "If".

Page 2, line 36, delete "Except as provided in subsection (e), if" and insert "If".

Page 3, line 13, after "(e)" insert **"This subsection applies only to a county that does not contain a city."**

Page 3, delete lines 16 through 26, begin a new line block indented and insert:

"(1) The three (3) members of the county executive.

(2) Two (2) members of the county fiscal body, chosen by the county fiscal body.

(3) One (1) member of each of the town legislative bodies of the four (4) towns in the county having the largest population, chosen by each town legislative body."

(Reference is to HB 1200 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1231, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1250, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1302, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1313, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3.1-28-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Subject to section 11 of this chapter, a taxpayer that produces ethanol at a facility is entitled to a credit against the taxpayer's state tax liability equal to the product of:

(1) twelve and one-half cents (\$.125); multiplied by

(2) the number of gallons of ethanol produced at the Indiana facility.

(b) A taxpayer may assign any part of the credit to which the taxpayer is entitled under this chapter to another taxpayer. A credit that is assigned under this subsection remains subject to this chapter.

(c) An assignment under subsection (b) must be in writing and both taxpayers must report the assignment on their state tax return for the year in which the assignment is made, in the manner prescribed by the department. The assigning taxpayer may not receive value in connection with the assignment under subsection (b) that exceeds the value of the part of the credit assigned."

Page 4, line 39, after "19." insert **"(a)"**.

Page 5, between lines 2 and 3, begin a new paragraph and insert:

"(b) A taxpayer may assign any part of the credit to which the taxpayer is entitled under this chapter to another taxpayer. A credit that is assigned under this subsection remains subject to this chapter.

(c) An assignment under subsection (b) must be in writing and both taxpayers must report the assignment on their state tax return for the year in which the assignment is made, in the manner prescribed by the department. The assigning taxpayer may not receive value in connection with the assignment under subsection (b) that exceeds the value of the part of the credit assigned."

Page 6, after line 28, begin a new paragraph and insert:

"SECTION 3. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1313 as introduced.)
 and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1316, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1333, has had the same

under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

WALORSKI, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1335, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1409, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, strike lines 9 through 14.

Page 1, line 15, strike "(4)" and insert "(2)".

Page 2, line 2, strike "(5)" and insert "(3)".

Page 2, line 13, strike "(6)" and insert "(4)".

Page 2, line 15, strike "(7)" and insert "(5)".

Page 2, line 21, strike "(8)" and insert "(6)".

Page 2, line 25, strike "(9)" and insert "(7)".

Page 2, line 28, strike "(10)" and insert "(8)".

Page 2, line 32, strike "(11)" and insert "(9)".

Page 2, line 41, strike "(12)" and insert "(10)".

Page 3, line 19, strike "In the".

Page 3, strike lines 20 through 23.

Page 3, after line 23, begin a new paragraph and insert:

"SECTION 3. IC 6-3.1-13-19.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19.5. (a) In the case of a credit awarded for a project to retain existing jobs in Indiana, the board shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all of the following:

(1) A detailed description of the business that is the subject of the agreement.

(2) The duration of the tax credit and the first taxable year for which the credit may be claimed.

(3) The credit amount that will be allowed for each taxable year.

(4) A requirement that the applicant shall maintain operations at the project location for at least two (2) times the number of years as the term of the tax credit. An applicant is subject to an assessment under section 22 of this chapter for noncompliance with the requirement described in this subdivision.

(5) A requirement that the applicant shall annually report the following to the board:

(A) The number of employees who are employed in Indiana by the applicant.

(B) The compensation (including benefits) paid to the applicant's employees in Indiana.

(C) The amount of the:

(i) facility improvements;

(ii) equipment and machinery upgrades, repairs, or retrofits; or

(iii) other direct business related investments, including training.

(6) A requirement that the applicant shall provide written notification to the director and the board not more than thirty (30) days after the applicant makes or receives a proposal that would transfer the applicant's state tax liability obligations to a successor taxpayer.

(7) A requirement that the chief executive officer of the company applying for a credit under this chapter must verify under penalty of perjury that the disparity between projected costs of the applicant's project in Indiana compared with the

costs for the project in a competing site is real and actual.

(8) Any other performance conditions that the board determines are appropriate.

(b) An agreement between an applicant and the board must be submitted to the budget committee for review and must be approved by the budget agency before an applicant is awarded a credit under this chapter for a project to retain existing jobs in Indiana."

Renumber all SECTIONS consecutively.

(Reference is to HB 1409 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BORROR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1530, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 27, after "interview" delete "," and insert ":

(A)".

Page 3, line 30, after "school" delete "." and insert ";".

Page 3, between lines 30 and 31, begin a new line double block indented and insert:

"(B) the school principal provides to the student a copy of statistics compiled by the department of education concerning the likely consequences of life without a high school diploma; and

(C) the school principal advises the student that a driver's license may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship (as prescribed under IC 9-24-2-1)."

Page 3, after line 32, begin a new paragraph and insert:

"(I) A written acknowledgment of withdrawal provided under subsection (j) must include a statement that the student and the student's parent or guardian understand that withdrawing from school is likely to:

(1) reduce the student's future earnings; and

(2) increase the student's likelihood of being unemployed or incarcerated in the future.

SECTION 2. IC 20-8.1-3-17.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.7. (a) This section applies to an individual who:

(1) is at least sixteen (16) years of age but less than eighteen (18) years of age;

(2) has not completed the requirements for graduation; and

(3) wishes to withdraw from school before graduation.

(b) An individual to whom this section applies may withdraw from school only if all the following conditions are met:

(1) An exit interview is conducted.

(2) The individual's parent consents to the withdrawal.

(3) Upon making a determination that the individual will not benefit from continuing in school, the principal of the individual's school consents to the withdrawal.

(4) The withdrawal is based on the individual's need to be employed to support the individual's family or dependents.

(c) For purposes of this section, the following must be in written form:

(1) An individual's request to withdraw from school.

(2) A parent's consent to a withdrawal.

(3) A principal's consent to a withdrawal.

(d) If the principal of an individual's school does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the school corporation.

(e) This subsection does not apply to a home school. A school corporation, nonpublic school (as defined in IC 20-10.1-1-3), or charter school (as defined in IC 20-5.5-1-4) shall provide an annual report to the department setting forth the following information for the year most recently ended:

(1) The total number of individuals:**(A) who withdrew from school under this section; and****(B) who either:****(i) failed to return to school at the beginning of a semester; or****(ii) stopped attending school during a semester; and for whom there is no record of transfer to another school.****(2) The number of individuals who withdrew from school for each reason set forth in subsection (b)(4).**

SECTION 3. IC 20-8.1-4-3 IS REPEALED [EFFECTIVE JULY 1, 2005].

SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The department of education shall develop a form for the written consent to withdraw from school for a school corporation's use in implementing IC 20-8.1-3-17(j), as amended by this act.****(b) The department of education shall compile and make available to schools statistics concerning the likely consequences of life without a high school diploma. The statistics must include, but are not limited to, statistics that show the likelihood of an individual's:****(1) unemployment or a lower paying job; and****(2) involvement in criminal activity;****as the consequence of not obtaining a high school diploma.****(c) This SECTION expires December 31, 2005.**SECTION 5. **An emergency is declared for this act."**

(Reference is to HB 1530 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1590, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1629, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1673, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, line 32, reset in roman "The secretary".

Page 9, line 32, reset in roman "shall notify the registrants of".

Page 9, line 32, after "trade-marks" insert "**marks**".

Page 9, line 32, after "trade-marks" reset in roman "of".

Page 9, reset in roman line 33.

Page 9, line 34, reset in roman "of the".

Page 9, line 34, after "(10)" insert "**five (5)**".

Page 9, line 34, reset in roman "years from the date of the registration by writing to the".

Page 9, reset in roman line 35.

Page 17, line 35, after "to" insert "**an action for cancellation of a mark**".Page 17, line 37, delete "filed in;" and insert "**filed.**".

Page 17, delete line 38.

(Reference is to HB 1673 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BORROR, Chair

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING**Engrossed House Bill 1142**

Representative T. Brown called down Engrossed House Bill 1142 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 52: yeas 72, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kenley.

HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1039, 1057, 1080, 1105, 1219, 1263, 1283, 1325, and 1346.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives T. Adams, Alderman, Austin, Ayres, Bauer, Becker, Behning, Bischoff, Borders, Borrer, Bosma, Bottorff, Bright, C. Brown, T. Brown, Buck, Budak, Buell, Cherry, Cochran, Crawford, Davis, Dobis, Dodge, Duncan, Espich, Foley, Friend, Frizzell, Grubb, Gutwein, E. Harris, T. Harris, Heim, Hinkle, Hoffman, Kersey, Klinker, Koch, Kromkowski, Kuzman, L. Lawson, Lehe, Leonard, J. Lutz, McClain, Messer, Micon, Murphy, Neese, Noe, Oxley, Pelath, Pflum, Pond, Reske, Richardson, Ripley, Robertson, Ruppel, Saunders, J. Smith, V. Smith, Stevenson, Stilwell, Thomas, Thompson, Tincher, Torr, Turner, Ulmer, VanHaaften, Walorski, Welch, Whetstone, Wolkins, and Yount be added as coauthors of House Bill 1029.

BURTON

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representative Noe be added as coauthor of House Bill 1075.

TORR

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Robertson and Ruppel be added as coauthors of House Bill 1231.

WALORSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Fry be added as coauthor of House Bill 1646.

RIPLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Orentlicher be added as coauthor of House Bill 1699.

AVERY

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative J. Smith, the House adjourned at 2:05 p.m., this twenty-seventh day of January, 2005, until Monday, January 31, 2005, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives